

LEGAL BRIEFING

**LEGAL CHALLENGE AGAINST
THE BIBBY STOCKHOLM
BARGE**



OCTOBER 2023

LEGAL BRIEFING – Legal Challenge on Bibby Stockholm Barge

October 2023

Migrants Organise can announce that the Home Office has confirmed via pre-action protocol correspondence, that they will be providing individuals at least 7 days' notice before they are moved to the Bibby Stockholm barge. This is to allow them to provide reasons if they believe that the move is unsuitable.

The Home Office's response below (HO Ref: Z2307807/KBN/HOI4):

The SSHD* is developing a new pilot policy, which will apply to individuals that the SSHD proposes to move to the Barge. This pilot policy will provide such individuals with at least 7 days' notice of the proposed move and an opportunity to submit representations if they consider the Barge is not suitable or adequate for their needs. These representations will be considered against the Allocation of Accommodation Policy before deciding whether and when to move individuals to the Barge. Consequently, if the SSHD proposes to move any individuals to the Barge, they will have an opportunity to submit further representations under the new pilot, which will be considered before any proposed move, and individuals will be served with a further decision on suitability.

*SSHD is the Secretary of State for the Home Department

We do not yet have details when this new 'pilot' policy is going to be implemented nor further details around it. For example, we do not have information as to what happens to the proposed move once someone has submitted representations (e.g. whether it would be put on hold if a decision is not made before the proposed move date), or whether an individual would be able to request an extension.

Our Work

In July 2023, Migrants Organise received funding from the Strategic Legal Fund to carry out pre-litigation work against the Home Office's use of the Bibby Stockholm Barge as asylum support accommodation. We have been working with Katy Robinson, Lizan Ghafoor and Katie Schwarzmann from Wilson Solicitors as well as counsel team from Garden Court chambers including Sonali Naik KC, Tessa Buchanan and Oliver Persey.

On 24 July 2023 and 31 July 2023 we sent urgent letters to the Government Legal Department, outlining our serious concerns regarding the lawfulness of the use of the Bibby Stockholm Barge as asylum support accommodation.

On Friday 28 July 2023, the Home Office started issuing very short notices to individuals who were going to be moved to the Bibby Stockholm barge. Over the next 2 weeks, individuals were regularly given notices in late afternoon for a move early on the next day (or Monday morning), which did not allow them any opportunity to provide any reasons or representations if they did not believe that the Bibby Stockholm barge is a suitable accommodation for them.

In response, Migrants Organise worked together with Care4Calais, Portland Global Friendship, Doctors of the World, the Helen Bamber Foundation, other front-line charities, as well as many public law firms including Wilson Solicitors, Deighton Pierce Glynn (DPG), Public Law Project (PLP), Gold Jennings, Duncan Lewis, Simpson Millar, Lawstop and others, to triage and signpost cases. We also delivered outreach advice and casework in Portland to some of the individuals who were moved to the barge. As a result, many individuals were able to obtain advice and, when they wished to, challenge the notice and/or move to the barge.

Our experience showed clearly that there was a serious failure in Home Office's screening and selection process. For example, we were aware of many individuals with phobias of water, with significant mental health issues, and/or those who are victims of torture, being notified and even eventually moved to the Bibby Stockholm barge. This is contrary to the Home Office's own published Allocation of Accommodation Policy. The very short notice period also significantly exacerbated this issue.

As such on 6 August 2023, we sent a pre-action protocol letter to the Home Office, followed by a supplementary letter on 18 September 2023. We received the response above on 21 September 2023.

Our Fight Continues

We welcome the Home Office's assurance that individuals are going to be provided at least 7 days' notice. We believe similar processes needs to be established for the entire asylum support system: migrants and individuals seeking asylum deserve to be treated with respect and dignity, and no one should be moved and dispersed potentially to a different part of the country without any notice, as is currently the case.

Migrants Organise will be releasing a guide for individuals and professionals on challenging a proposed move to the Bibby Stockholm barge once the policy is published. We will also be happy to share (as much as possible) information, templates and evidence relating to the Bibby Stokcholm barge. Please contact brian@migrantsorganise.org

It is Migrants Organise's strong position that the Bibby Stockholm barge would never be a safe or suitable accommodation for migrants or any individuals seeking asylum, and no amount of repurposing can make it so. It will never be an appropriate place to put people who are here to rebuild their lives. We need appropriate, compassionate and safe infrastructure to support individuals and welcome them into our communities.

The fight against the Bibby Stockholm barge continues and we ask for your solidarity:

- Portland's mayor, Ms Carralyn Parkes represented by Deighton Pierce Glynn is challenging the use of the Bibby Stockholm barge as asylum support accommodation. A permission hearing is scheduled for 10 October 2023. The hearing is public so you will be welcome to show your support in person, or you can do so on social media.
- If you are in London and are interested in community organising work around the issue of housing and asylum support accommodation, please contact maymuna@migrantsorganise.org
- If you are in Liverpool, Actions Against Detention and Deportation is organising an action on Monday 9 October 2023. See details [here](#)



Migrants Organise provides a platform for refugees and migrants to organise for power, dignity and justice to enable meaningful inclusion and integration.

We combine advice and support for individuals affected by the hostile environment immigration policies with community organising, advocacy, research and campaigning to help dismantle structural racism.

Migrants Organise is a registered company limited by guarantee, (3673737) and a registered charity (1077116).
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